

REMARKS

Applicant has amended this application in response to the office action. Revised formal drawings are submitted which include the axis Z, as mentioned extending through the poles of the magnets.

Claims 13-17 are rejected under 35 USC §102(e) over Reichl, et al. This rejection is contested. The examiner appears to argue that the movement between the magnet 11 and the sensor 15 is somehow dependent on the angled surface 13. However, the portion 12 and surface 13 are not magnets, and thus any relative movement between portion 12 and sensor 15 is irrelevant. The claim requires that the relative movement between the magnet (element 11) and the sensor (element 15) be along a first path. This first path is the path R as shown on the front page of the Reichl, et al. patent. This path R is parallel to an axis defined between the north and south poles of the magnet. Thus, the rejection of the claims over Reichl, et al. is improper.

Moreover, elements required by the dependent claims, and in particular claim 15, which requires that the magnet include a pair of laterally spaced north and south pole sets are not met by Reichl, et al. Further, at least claim 18, which requires not only overmolded plastic housings, but housings which guide and constrain the magnet and Hall effect sensors to move relative to each other only along the first direction, are also not shown by Reichl, et al..

Further, the independent claims 1, 19 and 20, which all require brake structure, are not properly met by the proposed combination of McCann, et al. patent with Reichl, et al. First, Reichl, et al. does not meet the limitations as mentioned above of the path and the axis being non-parallel.

Further, there is no suggestion to combine these references. McCann, et al. has a force sensor to sense forces. Reichl, et al. discloses a distance sensor, and one that cannot be clearly moved into the McCann, et al. environment. Space is at a premium in the McCann, et

al. environment, and it would appear that the Reichl, et al. product would require a good deal of space beyond that which is currently required by McCann, et al. There is no proper suggestion to combine these references. Simply, the only suggestion found is in applicant's disclosure.


For reasons similar to those set forth above, the dependent claims are also not properly met by this combination. As an example, the requirements that there be a pair of north and south pole sets (claim 9) and the requirements with regard to an overmolded plastic housing which guides and constrains the magnet to move relative to the Hall effect sensor (claim 12) are not met.

Further, the new dependent claims 21-23 further add in the feature that with the present invention a plane can be defined between the north and south poles, and the relative path of movement between the magnet and the sensor is such that at least an extension of that path would extend through the plane. In the Reichl, et al. patent, the corresponding plane would always receive the path of movement, even if the examiner's interpretation which includes the element 12 as being part of the magnet were adopted.

For the reasons set forth above, all claims are allowable. An indication of such is solicited.

Fees in the amount of \$150.00 for three additional dependent claims are paid by the attached check. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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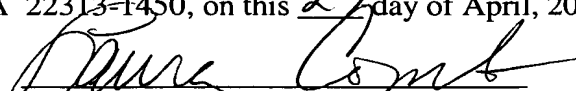
Dated: April 27, 2006



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CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27 day of April, 2006.


Laura Combs